

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W. P. (O) No. 3845 /2006

PETITIONER

: ✓ **Smt. Kumari Bai**, Aged about - 35 years,
W/o Shri Bhuvan Lal,
R/o Village - Badara (B), Block - Pathariya,
Tah. - Mungeli, Distt. - Bilaspur (C.G.)

VERSUS

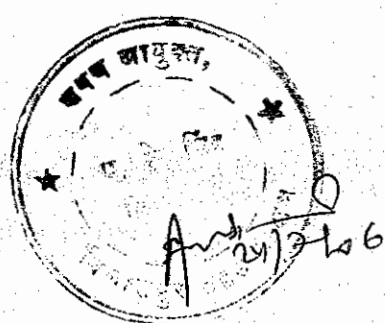
RESPONDENTS

- : ✓ 1. State of Chhattisgarh
Through : The Secretary,
Panchayat and Rural Development,
D. K. S. Bhawan, Distt. - Raipur (C.G.)
- ✓ 2. The Sub-Divisional Officer (Revenue)
Mungeli, Distt. - Bilaspur (C.G.)
- ✓ 3. Smt. Sushila Devi
W/o Shri Devendra Kumar Kausal,
aged about 40 years
- ✓ 4. Aghaniya Bai W/o Shri Vijay Lal,
aged about 51 years
- ✓ 5. Kirti Bai W/o Ganga Prasad,
aged about 60 years
- ✓ 6. Kanti Bai W/o Umendra,
aged about 35 years
- ✓ 7. Gangotri W/o Ramkhilawan,
aged about 23 years
- ✓ 8. Manglin Bai W/o Dukalaha Das,
aged about 56 years
- ✓ 9. Ramayan Bai W/o Kirti Kumar,
aged about 35 years

Respondent No. 3 to 9 are R/o Village
Badara (B), Block - Pathariya, Tah. -
Mungeli, Distt. - Bilaspur (C.G.)

3907/06
P.B. No.
Presented by Shri. Arvind Kumar
dated 28/11/06

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Writ Petition Under Articles 226/227 of the Constitution of India

(ଉତ୍ତରାଧିକାରୀ) ସଂଜ୍ଞା ଉପାଧି

आदेश का दिनांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के आनिम आदेश
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11.8.2006:-

Shri Bharat Rajput, counsel for the petitioner.

Heard.

respondents No. 1 and 2, on advance copy.

By the instant petition, the petitioner has questioned legality,

properly and correctness of the order dated 31st January 2006 passed by

Petition No.43A89 (21)/2004-05 whereby the election petition filed by the

been rejected on the ground that the State Government has not been

I have perused the Chhattisgarh Panchayats (Election Petitions,

short "the Rules, 1995"). Perusal of the rules shows that it is nowhere

election of a Sarpanch the State is a necessary party. Rule 4 of the

the petitioner in addition to claiming a declaration that the election, of all

he himself or any other candidate has been duly elected he shall join as

Therefore, the order passed by the Specified Officer is per se illegal, as

notice is not being issued to other respondents and the petition is being

other respondents as issuance of the notice not only delay the matter but

P.T.O.

मामला क्रमांक *WPNO...3845* सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	also put the respondents unnecessary financial burden. Further notice is not going to serve the cause of justice. However, if the respondents still feel aggrieved by this order, they shall be at liberty to move an application for recalling of this order before the Court and the Court will decide the application after hearing the parties. In the result, the writ petition is allowed and the impugned order dated 31st January 2006 is quashed. Learned Specified Officer is directed to proceed with the election petition in accordance with law. As the elections were held in the year 2005 and almost 1½ years has elapsed, therefore, the Specified Officer is directed to expedite the disposal of the petition and decide the same, in accordance with law. Parties are entitled for certified copy of this order.	Sd/- L.C. Bhadoo Judge

P.T.O.

Barve
21.8.06